

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. Contract ID Code		Page of Pages	
2. AMENDMENT MODIFICATION NO.		3. EFFECTIVE DATE		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (if applicable)	
6. ISSUED BY CODE				7. ADMINISTERED BY (If other than item 6) CODE			
8. NAME AND ADDRESS OF CONTRACTORY (NO., Street, Country, State and ZIP Code)				(x)		9A. AMENDMENT OF SOLICITATION NO.	
						9B. DATED (SEE ITEM 11)	
						10A. MODIFICATION OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OR OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
Check One	A. THIS ORDER ID ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.						
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).						
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:						
	D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)							
<small>Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.</small>							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)				_____ (Signature of Contracting Officer)			

Solicitation Number: ED-IES-11-R-0009

Title: 2011 Small Business Innovative Research Program (SBIR) Fast-Track

Amendment Number: 0001

Date: December 23, 2010

Section I – Corrections to Solicitation ED-IES-11-R-0009, SBIR Fast-Track

- 1) On pages 14, Section III. F.1.d., “*Similar products or typical practices, and potential commercial application*”- Delete the following sentences:**

“Describe significant R/R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing SBC. Describe how it relates to the proposed effort, and any planned coordination with outside sources. The offerors should demonstrate their awareness of key, recent R/R&D conducted by others in the specific topic area.”

- 2) On Page 17, Section III.F.6., “*Related R/R&D*”- Delete the following sentences:**

“Describe any significant R/R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing small business concern. Describe how it relates to the proposed effort, and any planned coordination with outside sources. The offeror must persuade reviewers of his or her awareness of key, recent R/R&D conducted by others in the specific topic area.”

- 3) On page 31, Section IV. D. 1. And On Page 32, Section IV. E.1 “*Significance (20 points)*”. Delete the following bullet:**

- Did the offeror’s technical approach demonstrate the anticipated agency and commercial benefits that may be derived from the research?

- 4) On Page 31, Section IV. D.3. and on Page 32, Section IV. E.3 “*Commercialization Plan (20 points)*”. Delete the following bullets:**

- Does the Offeror’s proposal demonstrate:
 - (A) the SBC’s record of commercializing SBIR or other research,
 - (B) the existence of second phase funding commitments from private sector or non-SBIR funding sources,
 - (C) the existence of third phase follow-on commitments for the subject of the research, and,
 - (D) the presence of other indicators of the commercial potential of the idea.

- 5) On Page 32, Section IV. D.3. and On Page 33, Section IV. E.3 “*Commercialization Plan (20 points)*”. Add the following bullet:**

- In addition to the above, the evaluation also considers a proposal’s commercial potential as evidenced by the small business concern’s record of commercializing SBIR or other research.

- 6) On page 41, Section VI. A. Add the following:**

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7) On page 41, Section VI. A. Delete the incorrect due date of January 12, 2011 and replace with the following corrected due date:

“The due date and time for the receipt of proposals is 11 A.M. EST on January 18, 2011.”

8) Clause F.5 310-9 APPROVAL OF ACCOUNTING SYSTEM (MARCH 1985) is deleted in its entirety.

Section II: Questions & Responses to Solicitation ED-IES-11-R-0009, Fast-Track Regular Education

- 1) Does the font size have to be 12 font for figures, charts and graphs for proposals, or does that just pertain to the narrative?

RESPONSE: The font size for figures, charts, and graphs is up to the discretion of the offeror. All text outside of the figures, charts, and graphs, should conform to the 12-font requirement.

- 2) A question about the citizenship criteria for eligible Small Business Concerns. The solicitation specifies that the company must be "...at least 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States". Our firm is a corporation that is more than 51% controlled by venture capital investors. For whom does the citizenship requirement apply? I've found conflicting information online about this clause, and so wanted to check with you directly before I moved forward with our proposal.

RESPONSE: At least 51% of the owners of the small business must citizens of, or permanent resident aliens in, the United States.

- 3) To conserve space in the page limit, can references be listed in something less than 12-pt font?

RESPONSE: No.

- 4) My client is an existing non-profit which has developed a proven system for improving kids test scores. This system can be replicated across the country utilizing technology. The question is: My client is setting up a new "for profit" business for this enterprise. While they have a track record and past years of fiscal information, it is from the non-profit. Will this be acceptable to DOE, if we use the historical data from the non-profit?

RESPONSE: The offeror may include information about the about the past history of the members of the team as is deemed appropriate. However, the fiscal information of the non-profit would be inappropriate to include in the proposal for the small business.

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- 5) We had a question about the Department of Education Fast Track Proposal. In the description of the required proposal format on page 14, it describes what is required in Section 1d "d. Similar products or typical practices, and potential commercial application Describe significant R/R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing SBC" However, also on page 17, the requirements of Section 17 are given: "6. Related R/R&D Describe any significant R/R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing small business concern." Could you explain how these are to be related? Is the intent that Section 6 is an expansion of subsection d, or is there to be no overlap?

RESPONSE: Please see Section I (above) for RFP clarifications.

- 6) We are preparing a FastTrack proposal. We have secured a commercialization partner. The company has asked for a sample letter of commitment they could use as a template. Could you provide an example? It would be very helpful if we could look at a FastTrack proposal since this is our first. Do you have an example you could send to help guide our work?

RESPONSE: Samples letters are not available for posting.

- 7) We have a team of researchers at working in collaboration with a University to submit a proposal to the Fast-Track RFP Number: ED-IES-11-0009. We are addressing Priority 1: educational technology products used by students or teachers. I am attaching a one-page draft abstract of the proposal for your information.

RESPONSE: This is an item that would be evaluated with offeror's proposal by the technical evaluation team. No guidance, other than what is provided in the solicitation, can be provided on the potential of proposed topics/subject area.

- 8) Is it correct that IES SBIR 2011 Fast-Track RFP proposals can include only 5 letters of endorsement / commitment total? Or can 10 letters be included— five in Phase 1 and an additional five associated specifically with Phase 2?

RESPONSE: The whole proposal may contain 5 letters of endorsement/commitment in total.

- 9) A few questions about the SBIR proposal: Is it possible to submit a proposal to this solicitation online (e.g., through Grants.gov)? Or does it have to be paper? If paper..... is one copy sufficient, or do you require multiple Copies?

RESPONSE: Offerors should review Section VI. Proposal Submittal Information. As is noted, emailed or facsimiled proposals will not be accepted.

- 10) Can you verify the deadline is Jan 18, 2011, 11 am EST? The body of the solicitation itself (somewhere in the back) has an earlier date -- probably a mistake?

RESPONSE: The correct due date and time is January 18, 2011 at 11AM EST.

- 11) Do you require a list of references for the citations? If so, is the list included in the 25 page limit?

RESPONSE: As noted in the solicitation, references must be included within the 25-pages.

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- 12) How much money is available to be distributed in total, and approximately how many projects does the department anticipate funding?
RESPONSE: The offeror should review page 40 of the solicitation for the anticipated number of awards. No information is available on how much money is available to be distributed in total.
- 13) Can abstracts or descriptions of previously funded SBIR grants be made available?
RESPONSE: Abstracts for previous Phase II and Fast-Track projects funded through the Institute's SBIR program are available at <http://ies.ed.gov/sbir>
- 14) If a project would require data collection from school district partners during phase 2, do those districts need to give binding commitments prior to proposal submission, or are letters of support sufficient?
RESPONSE: Appendix A provides information on letters of commitment for research.
- 15) Is there a preferred company profile that the Dept of Ed is looking for this grant? Small, large, revenues, etc?
RESPONSE: No. Please refer to the eligibility requirements in the solicitation.
- 16) We noticed in the requirements that for Phase I: "The total of all consultant fees, facility leases or usage fees, and other subcontracts or purchase agreements may not exceed one-half of total contract prices". Our question is this –we are a very small company and all of our production work is subcontracted programmers. We do not have programmers on staff. When we have a project that we need programmers for, we contract them only for the length of the project, that is the way we work on the development of our products. We do not have in-house programmers, since it would be such a short-term employment. How does this affect our eligibility?
RESPONSE: All small businesses must conform to the requirements set forth by the solicitation. Please note the total of all consultant fees, facility leases or usage fees, and other subcontracts or purchase agreements may not exceed one-third of total contract price in Phase I, and one-half of the contract price in Phase II.
- 17) We are wondering if we fit the regular education grant or the special education grant. Our idea is to develop our product to be more suitable for the High School Environment focusing on the incorporation of cognitive software product into Alternative Education programs. Do you consider Alternative Education programs special ed or regular ed?
RESPONSE: Offerors must carefully review the priority areas listed within the solicitations and make the determination as to which is most appropriate.

We also are considering a Co-PI situation with our President /COO and myself as the head of Science/Research. We can see an advantage of the Co-PI because we are both developing the new science, researching the impact and planning the marketing strategy. We would both be involved anyway, so is it a stronger proposal by designating us both as the PI?

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RESPONSE: As is detailed in the solicitation, a proposal shall only list one PI. Other than what is detailed in the solicitation no further guidance can be provided.

Where are most mistakes made with the proposals that don't get funded? What do we need to pay particular attention to?

RESPONSE: No guidance can be provided to this question. Offerors should read the solicitation carefully and provided the requested information.

- 18) In the directions DOE section there is a conflict on pg. 10. It requests the proposal by on one side only of a "page". Further down on pg. 10, the directions ask for Double-sided Printing. In my reading of pg. 10 I am assuming the Department prefers double- sided. If this is not correct, can you let me know? Thanks in advance

RESPONSE: Offerors may submit proposals with single or double-sided pages. As noted in the solicitation: "To conserve paper and save on shipping costs offerors are encouraged to submit proposals with double-sided printed pages."

- 19) Appendix D provides some Budget Spreadsheets. Should Subcontract Budgets be submitted with similar details, or is it sufficient to enter that total simply as a Line Item?

RESPONSE: Offerors should submit subcontractor's budget in a similar format. If the subcontractor is uncomfortable sharing this level of detail, the subcontractor's budget should be sealed, and then submitted along with the offeror's proposal.

- 20) I have a 2 questions on:

1.3.4 SBIR/STTR Program Eligibility Criteria (excerpts from SF 424 SBIR/STTR Application Guide for NIH and Other PHS Agencies, January 15, 2010)

From this statement:

"2. In the legal form of an individual proprietorship, partnership, limited liability company, Corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture, there can be no more than 49 percent participation by business entities in the joint venture;"

Question 1: does this mean that at least 51% participation in a joint venture must be by one or more *individuals*? OR does this mean that at least 51% participation in a joint venture must be by the SBC SBIR applicant" For purposes of the SBIR and STTR program, personnel obtained through a Professional Employer Organization or other similar personnel leasing company may be considered employees of the awardee. This is consistent with SBA's size regulations, 13 CFR 121.106 – Small Business Size Regulations."

RESPONSE: The section quoted is from a National Institutes of Health application guide, not the US Department of Education. The section quoted does not apply to the subject solicitation, or any other US Department of Education procurement. Offerors should refer to the eligibility requirements as set forth in the subject solicitation.

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Question 2: Under this provision is it permitted for the SBC awardee to obtain personnel from another SBC, to work under the supervision of the SBC awardee for the duration of the SBIR project, and be considered employees of the SBC awardee?

RESPONSE: The section quoted is from a National Institutes of Health application guide, not the US Department of Education. The section quoted does not apply to the subject solicitation, or any other US Department of Education procurement. Offerors should refer to the eligibility requirements as set forth in the subject solicitation

21) Page 59 of the Solicitation requires the following information to be submitted:

F.5 310-9 APPROVAL OF ACCOUNTING SYSTEM (MARCH 1985)

The offer ☐ does, ☐ does not, have an approved accounting system for purposes of cost reimbursement under this requirement. If so, specify the approving government audit agency or office and the date of approval.

As a small business, with no prior SBIR contracts, we not have an approved accounting system at this stage. Please advise if this will jeopardize our being considered for a Phase I or Phase II award. If it will, we certainly will establish an approved accounting system before award of a contract.

Is an approved accounting system required prior to receiving a Phase I contract?

Is an approved accounting system required prior to receiving a Phase II contract?"

RESPONSE: This clause has been deleted. See Section I

22) The RFP states that to be eligible, the organization must have "a small business concern". Someone in my organization mentioned that she believes the qualification requirements also include annual revenue under \$8 million, since the SBIR project is competed under NAICS code 541720. Is this the case, or are the eligibility requirements limited to what is listed under the "Small Business Concern" definition?

23) **RESPONSE:** The SBC is defined by both the revenue requirement for NAIC code 541720, in addition to the definition listed under the "Small Business Concern" in the solicitation.

24) If we lose a Key Personnel during one of the Phases, are we allowed to replace them with a similarly qualified personnel.

RESPONSE: Yes

25) I am looking at the SBIR grant and it specifically says, "of commercially viable education technology products or tools." My question is does this distinction include curriculum or programs

RESPONSE: The priority areas provide guidance on what is acceptable within each priority.

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- 26) After reading the full solicitation document, we are hoping for a bit of clarification on Priority 1. Could our products, used by university physics professors in the lab and classroom, be classified as "education technology products for student or teacher use"? Cold atom research is a rapidly growing area within Atomic, Molecular, and Optical physics and we work very closely with a University developing new products. Please let us know if we are interpreting the wording of Priority 1 correctly.

RESPONSE: As stated in your question, your product would fit under Priority 1.

- 27) Our proposal involves instructional software and services in support of peer review and peer assessment in the classroom. We see peer review as an instructional method that lets students gain new opportunities to learn in depth the material that they are studying, and to practice the higher-order cognitive and social skills required in today's knowledge economy. Is such a focus relevant to the solicitation?

RESPONSE: The specifications for the priority areas are detailed. The offeror must indicate why a particular product addresses the stated priority areas.

- 28) Please define "other Instructional Personnel". Can this include school administrators such as deans or principals, insofar as such administrators seek to improve the state of instruction within their institutions or to enable instructors to carry out their administrative responsibilities?

RESPONSE: Instructional personnel must provide instruction to students in authentic education delivery settings.

- 29) Under Section IX, 2011 Priority Areas, Priority 1, please define "secondary reading, writing, or mathematics skills" in adult education programs. For example, would this solicitation accept proposals that address the writing skills of law students?

RESPONSE: No, as law schools are not considered adult education programs.

- 30) Under Section IX, 2011 Priority Areas, Priority 1, is "writing" an "academic content area" in itself? That is, would this solicitation accept proposals that address writing in disciplines such as filmmaking or business that are not included under the acceptable disciplines that are "mathematics, the sciences, engineering, economics, history, social studies, geography, or foreign languages"?

RESPONSE: Products must be for use in authentic education delivery settings, and must address the other specifications of the priority area.

- 31) Under Section IX, 2011 Priority Areas, Priority 1, is there a limit on what content areas (e.g., mathematics, the sciences, etc.) may be addressed by products that are intended "(b) to improve the efficiency or accuracy with which teachers carry out their administrative responsibilities"?

RESPONSE: There is no stated limit in this area provided the intended product improves the efficiency or accuracy with which teachers carry out their administrative responsibilities.

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- 32) Double-side/single-side: On page 10, in the first paragraph, it says that the final proposal should be single-sided (paragraph 1). Later on in paragraph 6, it says double sided. Which one should we go by?

RESPONSE: Offerors may submit proposals with single or double-sided pages. As noted in the solicitation: "To conserve paper and save on shipping costs offerors are encouraged to submit proposals with double-sided printed pages."

- 33) A is preparing a proposal that puts forward the idea of creating unmanned systems (air, land and sea robots) for use in state and national STEM curriculum and to be used in an academic competition we are also proposing. IT is an employee-owned, high technology company engaged in providing engineering services and specialized products to U.S. Government agencies and private industry. I would not describe the company as a firm "with strong research or research and development (R/R&D) capabilities in education technology.." However, the company does have formidable R/R&D capabilities in defense, government, and business technologies and it is committed to strengthening STEM education in the US. Based on the information provided in this email, do you foresee any concerns in our being competitive in applying for this SBIR?

RESPONSE: Other than what is detailed in the solicitation, no further guidance can be provided on this question.